

FILED

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
RALEIGH DIVISION

APR 05 1999

PEGGY B. DEANS, CLERK
U.S. BANKRUPTCY COURT
EASTERN DISTRICT OF N.C.

IN RE:)
INTERNATIONAL HERITAGE, INC.) CASE NO.: 98-02675-5-ATS
)
)
Address:) CHAPTER 7
2626 Glenwood Avenue, #200)
Raleigh, NC 27608)
)
Debtor.)

MOTION FOR 2004 EXAMINATION

Now Comes Holmes P. Harden, Chapter 7 Trustee in the above-referenced case (the "Trustee"), by and through Nicholls & Crampton, P.A., duly appointed Special Counsel to the Chapter 7 Trustee, and moves the Court for the entry of an order pursuant to Bankruptcy Rule 2004 permitting and directing the examination of Stanley H. Van Etten, and in support thereof states as follows:

1. International Heritage, Inc. ("Debtor") filed its petition for relief under Chapter 7 of the United States Bankruptcy Code on November 25, 1998 and Holmes P. Harden was appointed Chapter 7 Trustee.
2. By Order dated January 28, 1999, the law firm of Nicholls & Crampton, P. A. was authorized to serve as Special Counsel to the Chapter 7 Trustee.
3. The information sought through the requested Rule 2004 examination concerns the administration and assets of the estate of the Debtor.

WHEREFORE, the Trustee respectfully requests that the Court order Stanley H. Van Etten to appear and be examined pursuant to Rule 2004 of the Federal Rules of Bankruptcy Procedure at the law offices of Nicholls & Crampton, P. A., 4300 Six Forks Road, Suite 700, Raleigh, North Carolina on April 19, 1999 at 10:00 a.m. The Trustee further requests that the Court order Stanley H. Van Etten to produce and to permit Special Counsel to examine and copy at such time and place the following:

1. Any and all employment agreements between Stanley H. Van Etten and the Debtor, as well as any documents, correspondence, or memoranda evidencing any compensation agreement between the Debtor and Stanley H. Van Etten;

2. Any and all documents, correspondence, or memoranda relating to compensation received by Stanley H. Van Etten from the Debtor;
3. All documents, correspondence, or memoranda relating to any monetary transfers made from the Debtor: to Stanley H. Van Etten; to any family member of Stanley H. Van Etten; or to any entity in which Stanley H. Van Etten holds an interest of 10% or more;
4. All documents, correspondence, or memoranda relating to any transfers of property, other than money, made from the Debtor: to Stanley H. Van Etten; to any family member of Stanley H. Van Etten; or to any entity in which Stanley H. Van Etten holds an interest of 10% or more;
5. All documents, correspondence, or memoranda relating to the Debtor's Board of Director's alleged agreement to pay Stanley H. Van Etten a "bond procurement fee";
6. All documents, correspondence, or memoranda relating to any loans made by Stanley H. Van Etten to the Debtor and all documents, correspondence, or memoranda evidencing or relating to a security interest in favor of Stanley H. Van Etten in the Debtor's property.

Respectfully submitted this the 5th day of April, 1999.

Stephani W. Humrickhouse by glc
Stephani W. Humrickhouse
State Bar No. 9528
Nicholls & Crampton, P. A.
Post Office Box 18237
Raleigh, North Carolina 27619
(919) 781-1311
Special Counsel to the Chapter 7 Trustee

CERTIFICATE OF SERVICE

It is hereby certified that the foregoing **MOTION FOR 2004 EXAMINATION** was served this day by placing copies thereof in a depository under the exclusive care and custody of the United States Postal Service in postage prepaid envelopes and properly addressed as follows:

Holmes P. Harden
Maupin, Taylor, & Ellis, P.A.
3200 Beechleaf Ct.
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Marjorie K. Lynch
Bankruptcy Administrator
U. S. Bankruptcy Court
1800 Parkwood Boulevard
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Wilson, NC 27895

Brent E. Wood
Attorney for Stanley H. Van Etten
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Stanley H. Van Etten
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N. Hunter Wyche
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Terri L. Gardner
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This 5th day of April, 1999.

Bess Wood
Bess Wood
Legal Assistant